

**Washington Association of
Internet Service Providers**

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FEB 16 1999

February 14, 1999

Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

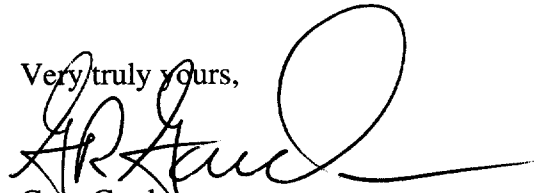
Re: CC Docket No. 99-1

Dear Secretary Salas:

I have enclosed an original and 11 copies of the Washington Association of Internet Service Providers (WAISP) comments on the above matter

Thank you for your assistance. Please feel free to contact me if you have any questions.

Very truly yours,



Gary Gardner
Executive Director,
Washington Association of Internet
Service Providers

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Before the

**FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

REC-100
FEB 16 1999
FEB 16 1999

In the Matter of)
)
Petition of U S WEST Communications, Inc.)
For Forbearance from Regulation as a Dominant)
Carrier in the Seattle, Washington MSA)

CC Docket No. 99-1

**COMMENTS OF THE
WASHINGTON ASSOCIATION OF INTERNET SERVICE PROVIDERS**

The Washington Association of Internet Service Providers ("WAISP") files these comments concerning U S WEST Communications, Inc.'s ("U S WEST") Petition for forbearance from regulation as a dominant carrier for high speed services in the Seattle, Washington Metropolitan Statistical Area in this matter. WAISP is a trade association that represents 37 Internet service providers ("ISPs") who provide internet access service to more than 600,000 customers throughout the State of Washington, including the Seattle, Spokane, Tacoma, Olympia, Bremerton, Bellingham, Vancouver and Yakima metropolitan areas. A WAISP membership list is attached as Exhibit 1.

I. SUMMARY

The Federal Communications Commission ("FCC") should reject U S WEST's Petition for the following reasons:

- U S WEST is the dominant carrier in many of the geographic areas where U S WEST seeks relief;

- If the request is approved, certain residents in the state of Washington will likely lose local access to the internet, and some internet service providers will be forced out of business; and
- U S WEST's intrastate tariff for Digital Subscriber Line service requires internet service providers to use U S WEST's high capacity services, and independent internet service providers will likely be forced out of the DSL market if the Petition is approved.

II. DISCUSSION

A. High capacity services are not competitive in all areas where U S WEST seeks relief.

U S WEST has asserted that high capacity services are competitive in the Seattle MSA. Contrary to U S WEST's assertions, WAISP's members have found that not all of the areas covered by the Petition are competitive.

The maps attached to U S WEST's consultant's studies clearly indicate that there are significant geographic areas in the Seattle MSA where there are no high capacity facilities available from competitive providers. There are many businesses which have offices in the geographic areas where there are no competing providers. These businesses include companies that want high speed access to the internet, as well as internet service providers that want to provide local dial-up access numbers to businesses and individuals in those geographic areas.

In addition, there are a large number of high capacity circuits that originate in one MSA and terminate in a different MSA. If one end of the high capacity circuit terminates in a geographic area that is not competitive, then the entire high capacity services circuit is not

competitive. Therefore, U S WEST should not be considered to be a non-dominant carrier for those high capacity service circuits that have one end in a non-competitive zone.

If U S WEST's Petition is granted, U S WEST will retain its monopoly power over high capacity services in these non-competitive geographic areas while it has the ability to price its services as if it were a highly competitive, non-dominant carrier. In order to protect the businesses and consumers who subscribe to services in these non-competitive areas, the relief granted to U S WEST, if any, should match the areas where there is actual competition.

B. Loss of local Internet services. If the Petition is approved, U S WEST will have the right as a non-dominant carrier to set its prices for high capacity services in the non-competitive portions of the Seattle metropolitan areas. Internet service providers who provide toll free access to residents and businesses in these non-competitive geographic areas would likely face price increases which they could not pass along to their customers. As a result, the internet service providers would face discontinuing the toll free access numbers to the local residents and businesses in these areas, or they would face going out of business altogether if these are their sole local access numbers.


C. U S WEST's tariff for DSL service eliminates all competition for high capacity services in connection with DSL service. U S WEST's intrastate tariff for DSL service requires internet service providers to purchase U S WEST's high capacity service if they wish to offer U S WEST's DSL service. See: Exhibit 2, U S WEST Communications, Inc.'s tariff, WN U-29, Advanced Communications Service, Washington, Section 8.2.1.B.1., 1st Revised Sheet 4. This requirement effectively removes all competition against U S WEST for its high capacity services that support its DSL services. This fact is not reflected in U S WEST's own study, and

must be taken into consideration when evaluating the competitiveness of services in the Seattle marketplace.

For these reasons, WASIP requests that U S WEST's Petition be dismissed.

DATED this 14th day of February, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary R. Gardner", is written over a horizontal line.

Gary R. Gardner
Executive Director
Washington Association of Internet
Service Providers

EXHIBIT 1

LIST OF MEMBERS

WASHINGTON ASSOCIATION OF INTERNET SERVICE PROVIDERS

Alternate Access Inc. 2201 6th Ave. #1330 Seattle, WA 98121	Internet Services of Washington 12015 115th Ave. NE #215 Kirkland, WA 98034	Seonet Corp. 701 5th Ave. #6801 Seattle, WA 98104
Altopia Corp 10115 Greenwood Ave. N #294 Seattle, WA 98133	NetAmerica Inc. 616 1st Ave. Seattle, WA 98104	Seattle Community Network Box 85481 Seattle, WA 98145-1481
Bandwagon Box 1754 Silverdale, WA 98383	NCF Communications Inc. 18005 NE 68th #A100 Redmond, WA 98052	Silverlink Corp. Box 945 Silverdale, WA 98383
Budster's Computers Inc. 9130 Washington Ave. NW #102 Silverdale, WA 98383	Net-Venture Inc. Box 6548 Kent, WA 98064	Sinclair Communications 10390 E. Horizon Ln. SE Port Orchard, WA 98367
Mindspring 3535 128th Ave. SE Bellevue, WA 98006	Next Dimension Internet 13817 E. Sprague #10 Spokane, WA 99216	Telebyte NW Box 3162 Silverdale, WA 98383
Convergence Technologies 1202 Sheridan Rd. Bremerton, WA 98310	Northwest Link 11040 Main St. #200 Bellevue, WA 98004	Ten Forward Communications Box 813 Port Angeles, WA 98362
Cutting Edge Communications Inc. 422 West Riverside #516 Spokane, WA 99201	Northwest Nexus Inc. 10800 NE 8th St., #802 Bellevue, WA 98004	TSCNet Inc. 10049 Kitsap Mall Blvd., Suite 104 Silverdale, WA 98383
Edcetera 1422 29th Ave SE Mill Creek, WA 98012	NW Info Net 1108 W. Tieton Dr. Yakima, WA 98902	Valley Internet Inc. Box 1071 141 9th St. Suite 2D Lewiston, ID 83501
Fox Communications Corp. 13400 NE 20th #2B Bellevue, WA 98005	NWNexus—Spokane 422 West Riverside #808 Spokane, WA 99201	Virtual Networking Services 21028 SE 240th St. Maple Valley, WA 98038
Hurricane Ridge LLC 851 6th St. #150 Bremerton, WA 98337	Olympia Networking Services 120 NE State Ave. #1021 Olympia, WA 98501	Westsound Communications Box 2378 Shelton, WA 98584
Interlink Services Inc. 16 East Mission Spokane, WA 99202	Pend Oreille Valley Network 357 W. 3rd St. #A Newport, WA 99156	Wolfe Internet Access LLC 2001 6th Ave. #2328 Seattle, WA 98121
Internet Access Corp. Box 11818 Spokane, WA 99211	ReFlex Communications Inc. 830 4th Ave. S #310 Seattle, WA 98134-1301	Worldlink Inc. Box 77498 Seattle, WA 98177
	Savvis Communications 2001 6th Ave. #2700 Seattle, WA 98121	

EXHIBIT 2

US WEST Communications Inc. intrastate tariff for DSL service

U S WEST COMMUNICATIONS, INC.	
WN U-29	SECTION 8
ADVANCED COMMUNICATIONS	1st Revised Sheet 4
SERVICE	Cancels Original Sheet 4
WASHINGTON	

8. MEGA BIT SERVICES

8.1 DESCRIPTION

8.1.2 SERVICE ELEMENTS (Cont'd)

B. MegaCentral Service

(C)
(M)
(T)

1. MegaCentral Access Link

The MegaCentral Access Link is a Company-provided physical connection between a disclosed ATM Central Office or MegaCentral Service Point, and the MegaCentral customer premises.

The MegaCentral Access Link transmits data from the customer's host, or central location, to the Company ATM Network. If the Company Central Office which serves the customer's host site or location is not collocated with the ATM Switch or a MegaCentral Service Point, appropriate Company-provided Private Line Transport Service Transport Mileage applies between the customer's serving Central Office and the ATM Switch or MegaCentral Service Point, whichever is closer.

Following are types of MegaCentral Access Links:

(N)

- A 1.544 Mbps, Clear Channel DS1 Private Line Transport Channel Termination. A MegaCentral Port and a Central Office Connecting Channel (COCC) apply in addition to this Access Link.
- A 45 Mbps DS3 Private Line Transport Channel Termination. A MegaCentral Port and a COCC apply in addition to this Access Link.
- A 45 Mbps or 155 Mbps ATM Cell Relay Optical Access Link (OAL) for customers within the optical reach limits of the ATM serving wire center, as specified in Technical Publication 77378. A MegaCentral Port or an existing ATM Cell Relay Port applies in addition to this Access Link.

(C)

The 45 Mbps and 155 Mbps MegaCentral Access Links support the bi-directional speeds of 3 Mbps up to 45 Mbps, in 3 Mbps increments.

(C)

2. MegaCentral Termination Equipment

(T)(M1)

A MegaCentral customer must purchase and install a MegaCentral Link Termination Device at the customer's host location. The MegaCentral Link Termination Device provides ports for the associated MegaCentral Access Links.

(M1)

(M) Material moved to Sheet 3.

(M1) Material moved from Sheet 3.

Advice No. 2988T
Issued by U S WEST Communications, Inc.
By C. S. McClellan, Vice President

Effective: November 30, 1998